

FLATHEAD COUNTY PLANNING BOARD
COMMITTEE B
MEETING MINUTES
September 12, 2008

The meeting was called to order at 8:16 AM by Chairman Cross. Members in attendance were Gordon Cross, Marc Pittman and Mike Mower. BJ Grieve and Andrew Hagemeyer of FCPZ were also present, as was Nikki Bond of the Whitefish Planning Office. No members of the public were present and, accordingly, there were no comments during the Public Comment Period.

Mike Mower and BJ Grieve gave a review of yesterday's meeting of the County Transition Team that is studying the Doughnut Area. Gary Hall and Make Jenson were at the meeting. The team discussed a way forward that would involve a new Interlocal Agreement. The new agreement would resolve most of the differences between the two governments. Mr. Mower outlined the basis of the new agreement.

- A. The doughnut would remain under county jurisdiction. It will have county zoning with an overlay of city regulations. Those regulations would deal with the list of eight concerns brought up the previous week such as signage, box store and architectural review.
- B. Oversight of the doughnut would be given to the Whitefish City County Planning Board. Their recommendations would go to the County Commissioners for all items outside city limits.
- C. All PUDs and ODP's would be grandfathered in "as is". They would have sunset provisions that would call for reversion back to the underlying zoning in the event the required actions were not performed on a timely basis.
- D. The city's Critical Area Ordinance would not apply to property in the doughnut area.

It appeared that the Commissioners were willing to make this agreement and the City would welcome it. The timeline for the adoption by the county of the Whitefish Doughnut Zoning District would proceed as laid out. The county has the responsibility for getting it done. Whitefish was given responsibility for working out the details of the overlay of regulations that would apply. They will be spelled out in the new agreement. It was tentatively agreed that the agreement would be signed in January. During the interim, the County Planning Board will administer the doughnut area.

The Committee then moved on to a discussion of the outstanding issues concerning the new zoning district. It was understood that the transition team's decisions had changed things a great deal. The committee had to work out details so the new district could mesh with the new agreement.

The first question was the issue of R-2 versus R-3 or R-4. It was decided that R-2 was the only way to go. Individual property owners wanting more intensive use could apply for a county zone change or annexation into the city.

The next questions revolved around the PUDs and ODPs. After much discussion, Jonathan Smith of the County Attorney's office was asked to join the meeting. Mr. Grieve gave him a summary of developments. He was asked to give some advice on the best ways for the committee and staff to

proceed in creating the new district. The goal is to produce a legally defensible district that also takes into account the very unique nature of the situation. The following courses of action were ultimately decided upon:

1. The PUDs, around seven in number, will be zoned R-2. Public discussion and letters to the property owners will acknowledge that the county recognizes there is a vested interest in the approved PUD and the ability to perform under the PUD will be “grandfathered”. That should lead, eventually, to all those properties being annexed into the city. Those properties would lose their vested interest if they failed to meet the deadlines in their various agreements.
2. The land that is currently covered by the Big Mountain ODP or neighborhood plan will be given a zoning designation that fits it under the guidance of the Whitefish City County Master Plan Map Year 2020. It will not be BR-4, which requires an approved ODP. Big Mountain will be informed that they will have to submit their existing ODP to FCPZ for approval. That approval will focus on compliance with applicable county regulations. It will then be reviewed by the Whitefish City County Planning Board that already approved it under the previous Interlocal. It will then go to the Commissioners for approval. The area and the plan will then be fully compliant with the county’s zoning regulations. The process is a necessary step the will hopefully be fairly painless.
3. All land in the district will be zoned. Some land belongs to the State and some belongs to the county. Their lands are not subject to zoning, but it will be there in the event any of it is ever sold. The two pockets in the Big Mountain area will be zoned with the same designation given to that area.
4. The zoning designation will be reviewed to assure substantial compliance with the Year 2020 Master Plan Map. The goal is to treat everyone fairly, not punitively.

THE NEXT MEETING WILL BE IN THE FCPZ OFFICE AT 8:30AM ON FRIDAY, SEPTEMBER 19, IF NECESSARY. BJ will notify Gordon Cross of progress on the district map and a meeting will be called if a review of the map is needed.

The meeting was adjourned at 10:04AM.